

Ordinance No. 109219-19.C:43

AN ORDINANCE amending Sections 4.15 and 4.31 of the Seattle Housing Code (Ordinance No. 106319) to prohibit tenant evictions without good cause and providing penalties for violations.

7.15.80 - LWD+H PASSES AS AMENDED
(One issue to be resolved
by full Council)

COMPTROLLER

FILE NUMBER

289801 ENGROSSED

Council Bill No. 101537

INTRODUCED: July 14, 1980	BY: Michael Hildt
REFERRED: JUL 14 1980	URBAN DEVELOPMENT & HOUSING
REFERRED:	
REFERRED:	
REPORTED: JUL 21 1980	SECOND READING: JUL 21 1980
THIRD READING: JUL 21 1980	SIGNED: JUL 21 1980
PRESENTED TO MAYOR: JUL 22 1980	APPROVED: JUL 24 1980
RTD. TO CITY CLERK: JUL 24 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

B.P. Co.

PUB. /
(BO)
BLDG.
ENG.
B. O.
A. C.
S. E.
C. O.
LIGHT

min. Courthouse
Hearing Room ✓

Personnel ✓

109219
ORDINANCE

AN ORDINANCE amending Sections 4.15 and 4.31 of the Seattle Housing Code (Ordinance No. 106319) to prohibit tenant evictions without good cause and providing penalties for violations.

WHEREAS, arbitrary eviction of responsible tenants imposes upon such tenants the hardship of locating replacement housing and provides no corresponding benefit to property owners; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.15 of the Housing Code (Ordinance 106319) is hereby amended to read as follows:

Section 4.15 DUTIES OF OWNERS.

A. It shall be the duty of every owner of a building to:

- (1) Maintain the building in compliance with the minimum standards specified in Sections 4.02 through 4.13 of this code, except for maintenance duties specifically imposed in Section 4.16 on the tenant of the building.
- (2) Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any such building containing two or more housing units and where any building is unoccupied, secure such building against attempts at unauthorized entry, remove all garbage, rubbish and other debris from the premises and maintain the premises in a secure and sanitary condition.
- (3) Supply for the use of tenants of rental housing units garbage cans or other approved containers sufficient in number and size to contain all garbage disposed of by such tenants.

- 1 (4) Exterminate insects, rodents and other pests.
- 2 (5) Within a reasonable time after notice from the
- 3 tenant of the building, repair structural
- 4 defects or damage which cause the building to
- 5 be in violation of standards specified in
- 6 Sections 4.02 through 4.13 and not caused by
- 7 the negligent or intentional act of the tenant
- 8 or any invitee or licensee of the tenant.
- 9 (6) Refrain from placing or storing in the building
- 10 or on the premises thereof any article,
- 11 substance or material imminently dangerous to
- 12 the health, safety, or general welfare of any
- 13 occupant thereof which may substantially
- 14 contribute to or cause deterioration of the
- 15 building.
- 16 (7) Where heating is supplied to any housing unit,
- 17 maintain heat at an inside temperature of at
- 18 least sixty-five degrees Fahrenheit (65° F.)
- 19 between the hours of 7:00 A.M. and 10:30 P.M.
- 20 and fifty-eight degrees Fahrenheit (58° F.)
- 21 between 10:30 P.M. and 7:00 A.M. from September
- 22 1 until June 30.
- 23 (8) Abate natural vegetation and debris constituting
- 24 a public nuisance pursuant to Ordinance 78076.

25 Contracts between an owner and his operator, manager,

26 agent, or tenant shall not relieve the owner of his ultimate

27 responsibility to perform the duties imposed in this section.

28 B. Owners shall not evict any tenant or otherwise
terminate the tenancy of any tenant except for
good cause. The reasons for termination of tenancy
listed below, and no others, shall constitute good

1 cause under this section:

2 (1) The tenant fails to comply with a notice to
3 pay rent or vacate pursuant to RCW 59.12.030(3);
4 a ten day notice to comply or vacate pursuant
5 to RCW 59.12.030(4); or a three day notice for
6 waste, nuisance or maintenance of an unlawful
7 business pursuant to RCW 59.12.030(5).

8 (2) The tenant habitually fails to pay rent when
9 due which causes the owner to notify the tenant
10 of late rent four or more times in a twelve
11 month period.

12 (3) The tenant fails to comply with a material
13 term of the lease or rental agreement or fails
14 to comply with a material obligation under
15 Chapter 59.18 RCW. after service of a ten day
16 notice to comply or vacate.

17 (4) The owner seeks possession for himself or for
18 a member of his immediate family, provided no
19 substantially equivalent unit is vacant and
20 available in the same building. Immediate
21 family shall include the spouse, parents,
22 grandparents, children, brothers and sisters
23 of the owner or owner's spouse.

24 (5) The tenant's occupancy is conditioned upon
25 employment on the property and the employment
26 relationship is terminated.

27 (6) The owner seeks to do major reconstruction or
28 rehabilitation in the building which cannot be
done with tenants in occupancy. Any tenants
dispossessed pursuant to this provision shall
be given a right of first refusal for the
rehabilitated units.

1 (7) The owner elects to demolish the building,
2 convert it to a condominium, or convert it to
3 a non-residential use: Provided, that if the
4 owner decides to demolish the building or
5 convert it to a non-residential use he must
6 obtain all permits which are necessary to
7 demolish or change the use before terminating
8 any tenancy.

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11 C. Any lease or rental agreement provision which
12 waives or purports to waive any right, benefit
13 or entitlement created by this ordinance shall
14 be deemed void and of no lawful force or effect.

15 D. In addition to, and at the same time as, any
16 termination notices required by law, owners
17 terminating any tenancy shall advise the affected
18 tenant or tenants in writing of the reasons for
19 the termination.

20 E. Subsections B, C and D of this Section 4.15 shall
21 apply to all dwellings and dwelling units which
22 are occupied or will be occupied by tenants but
23 excluding owner occupied dwelling units, any
24 provision in this ordinance to the contrary
25 notwithstanding.

26 F. In any action commenced to evict or to otherwise
27 terminate the tenancy of any tenant, it shall be
28 a defense to the action that there was no good
 cause for such eviction or termination as provided
 in this section.

1 Section 2. That Section 4.31 of the Housing Code (Ordinance 106319)
2 is amended to read as follows:

3 Section 4.31 VIOLATIONS AND CRIMINAL PENALTIES.

4 The following offenses -

5 (1.) Violation of any of the provisions of Sections 4.17, 4.18,
6 and 4.19; and

7 (2.) Failure or refusal to complete necessary alterations, repairs,
8 and improvements to meet the standards and requirements of
9 Section 4.12 within the time specified therein; and

10 (3.) Using or occupying, or causing or permitted to be used or
11 occupied, any building after the date specified in an emergency
12 order directing vacation pursuant to Section 4.28; and

13 any other conduct made unlawful by this Chapter - shall constitute a crime
14 subject to the provisions of Chapters 12A.01 and 12A.02 of the Seattle
15 Criminal Code and any person convicted thereof may be punished by a fine of
16 not more than Five Hundred Dollars (\$500.00) or by imprisonment for not
17 more than one hundred eighty (180) days, or by both fine and imprisonment;
18 provided, that any violation of the provisions of Section 4.15B or 4.20 of
19 this Code shall constitute a violation subject to the provisions of
20 Chapters 12A.01 and 12A.02 of the Seattle Criminal Code and any person
21 convicted of the violation may be punished by a civil fine or forfeiture
22 not to exceed Five Hundred Dollars (\$500.00).

23 Each day of any violation or conduct made unlawful by this Chapter
24 shall constitute a separate offense.
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(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 21 day of July, 1980,
and signed by me in open session in authentication of its passage this 21 day of July, 1980.

Approved by me this 24 day of July, 1980.
President of the City Council.

Filed by me this 24 day of July, 1980.
Mayor.

Attest:

Gim Hill
City Comptroller and City Clerk.

(SEAL)

Published

By

Dorothy S. McFarlin
Deputy Clerk.



Seattle City Council Memorandum

Date: July 16, 1980

To: All Councilmembers

From: Michael Hildt *M. Hildt*

Subject: UD&H Committee Report - Good Cause Evictions
C.B. 101537

At its July 15th meeting the UD&H Committee voted unanimously to recommend passage of C.B. 101537, the "Good Cause Eviction" amendment to the Seattle Housing Code with a divided vote on one issue remaining. The divided vote is discussed below.

Should the new section of the Housing Code relating to good causes for evictions include on Page 4, Line 8 the following proviso?

"Owners shall not change the terms of tenancy for the purpose of avoiding the provisions of this ordinance."

RICE, KRAABEL
HILDT

- No JUL 21 1980 ADOPTED
- Yes

Majority Report

The majority felt that this proviso would have the effect of regulating rents. Rent increases (which would be "... change [in the] terms of tenancy...") would be tested in the courts by tenants claiming such increases were for the purpose of forcing eviction without good cause. Cumulative judicial decisions would set guidelines for determining how large a rent increase could be before it met the test of being " for the purpose of avoiding the provisions of this ordinance." Mr. Rice and Mr. Kraabel both opposed including this proviso because they oppose enacting an ordinance which would most probably have the effect of regulating rents through court action.

Minority Report

True, there is a possiblity that this provision will be abused by tenants. However, without the proviso it is equally probable that owners will attempt to avoid the provisions of this ordinance by changing the terms of tenancy. Increasing rents is not the only strategy likely to be employed. Prohibitions about pet ownership, noise restrictions, changes in the number of persons permitted occupancy in units or changes in parking allocations are other terms which could force a given tenant to vacate. It comes down to whom you want to protect with this "good cause" provision - the tenant or the owner. I support tenant needs. If we find that the provision is often abused by tenants contesting reasonable rent increases it is an easy matter to amend the ordinance.

ORDINANCE 106210

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- (2) Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any such building containing two or more housing units and where any building is unoccupied, secure such building against attempts at unauthorized entry, remove all garbage, rubbish and other debris from the premises and maintain the premises in a secure and sanitary condition.
- (3) Supply for the use of tenants of rental housing units garbage cans or other approved containers sufficient in number and size to contain all garbage disposed of by such tenants.
- (4) Exterminate insects, rodents and other pests.
- (5) Within a reasonable time after notice from the tenant of the building, repair structural defects or damage which cause the building to be in violation of standards specified in Sections 4.02 through 4.13 and not caused by the negligent or intentional act of the tenant or any invitee or licensee of the tenant.
- (6) Refrain from placing or storing in the building or on the premises thereof any article, substance or material imminently dangerous to the health, safety, or general welfare of any occupant thereof which may substantially contribute to or cause deterioration of the building.
- (7) Where heating is supplied to any housing unit, maintain heat at an inside temperature of at least sixty-five degrees Fahrenheit (65° F.) between the hours of 7:00 A.M. and 10:30 P.M. and fifty-eight degrees Fahrenheit (58° F.) between 10:30 P.M. and 7:00 A.M. from September 1 until June 30.
- (8) Abate natural vegetation and debris constituting a public nuisance pursuant to Ordinance 78076.

Contracts between an owner and his operator, manager, agent, or tenant shall not relieve the owner of his ultimate responsibility to perform the duties imposed in this section.

B. Owners shall not evict any tenant or otherwise terminate the tenancy of any tenant except for good cause. The reasons for termination of tenancy listed below, and no others, shall constitute good cause under this section:

- (1) The tenant fails to comply with a notice to pay rent or vacate pursuant to RCW 59.12.030(3), a ten day notice to comply or vacate pursuant to RCW 59.12.030(4), or a three day notice for waste, nuisance or maintenance of an unlawful business pursuant to RCW 59.12.030(5).
- (2) The tenant habitually fails to pay rent when due which causes the owner to notify the tenant of late rent four or more times in a twelve month period.
- (3) The tenant fails to comply with a material term of the lease or rental agreement or fails

to comply with a material obligation under Chapter 59.18 RCW, after service of a ten day notice to comply or vacate.

- (4) The owner seeks possession for himself or for a member of his immediate family, provided no substantially equivalent unit is vacant and available in the same building. Immediate family shall include the spouse, parents, grandparents, children, brothers and sisters of the owner or owner's spouse.
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- (6) The owner seeks to do major reconstruction or rehabilitation in the building which cannot be done with tenants in occupancy. Any tenants dispossessed pursuant to this provision shall be given a right of first refusal for the rehabilitated units.
- (7) The owner elects to demolish the building, convert it to a condominium, or convert it to a non-residential use. Provided, that if the owner decides to demolish the building or convert it to a non-residential use he must obtain all permits which are necessary to demolish or change the use before terminating any tenancy.

C. Any lease or rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this ordinance shall be deemed void and of no lawful force or effect.

D. In addition to, and at the same time as, any termination notices required by law, owners terminating any tenancy shall advise the affected tenant or tenants in writing of the reasons for the termination.

E. Subsections B, C and D of this Section 4.15 shall apply to all dwellings and dwelling units which are occupied or will be occupied by tenants but excluding owner occupied dwelling units, any provision in this ordinance to the contrary notwithstanding.

F. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no good cause for such eviction or termination as provided in this section.

Section 2. That Section 4.31 of the Housing Code (Ordinance 106319) is amended to read as follows:

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- (2) Failure or refusal to complete necessary alterations, repairs, and improvements to meet the standards and requirements of Section 4.12 within the time specified therein; and
- (3) Using or occupying, or causing or permitted to be used or occupied, any building after the date specified in an emergency order directing vacation pursuant to Section 4.20; and

any other conduct made unlawful by this Chapter shall constitute a crime subject to the provisions of Chapters 12A.01 and 12A.02 of the Seattle Criminal Code and any person convicted thereof may be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one hundred eighty (180) days, or by both fine and imprisonment; provided, that any violation of the provisions of Section 4.15B or 4.20 of this Code shall constitute a violation subject to the provisions of Chapters 12A.01 and 12A.02 of the Seattle Criminal Code and any person convicted of the violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

Each day of any violation or conduct made unlawful by this Chapter shall constitute a separate offense.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 21st day of July, 1980, and signed by me in open session in authentication of its passage this 21st day of July, 1980.

PAUL KRAABEL
President of the City Council.

Approved by me this 24th day of July, 1980.

CHARLES ROYER
Mayor.

Filed by me this 24th day of July, 1980.

Attest: TIM HILL
City Comptroller and City Clerk.

(Seal)

By DOROTHY L. McFARLIN,
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce,
Seattle, July 30, 1980. (C-481)

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

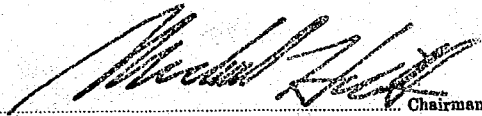
JUL 21 1980

Your Committee on Urban Development and Housing
to which was referred C.B. 101537

AN ORDINANCE amending Sections 4.15 and 4.31 of the
Seattle Housing Code (Ordinance 106319) to prohibit
tenant evictions without good cause and providing
penalties for violations.

and recommend that same do pass with one issue to be
resolved by full Council. *(Pass as amended)*

Pass JUL 21 1980, **ADOPTED**
as
amended



Chairman

Chairman

Committee

Committee

C-481

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109219

was published on July 30, 1980

Subscribed and sworn to before me on

July 30, 1980

Notary Public for the State of Washington
residing in Seattle.